

Form PTO-1390

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE
PCT/AU2004/001060	August 9, 2004

ATTORNEY'S DOCKET NUMBER: **06142.0004U1**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

**10/568,258**

PRIORITY DATE CLAIMED
August 13, 2004

**TITLE OF INVENTION:****IMPROVED ORAL OXYGENATING APPLIANCE****APPLICANT(S) FOR DO/EO/US:****BORODY, Thomas J.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. The contents of the paper copy and the computer-readable form of the Sequence Listing submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(f).
18.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

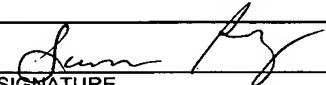
**20. Other items or information:****CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Summer C. Rosenberg

3/30/05

Date

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/568,258</b>	INTERNATIONAL APPLICATION NO. <b>PCT/AU2004/001060</b>	ATTORNEY DOCKET NUMBER <b>06142.0004U1</b>		
<b>The following fees have been submitted</b>		<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>	
21. <input type="checkbox"/> Basic national fee .....\$300.00		\$ 0.00		
22. <input type="checkbox"/> Examination fee If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$ 0.00		\$ 0.00		
All other situations .....\$200.00				
23. <input type="checkbox"/> Search Fee If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$ 0.00		\$ 0.00		
If Search fee (37 CFR 1.445(a)(2) in International Application to USPTO as ISA) .....\$100.00				
ISR prepared by an ISA other than the US and provided to USPTO .....\$400.00				
All other situations .....\$500.00				
<b>TOTAL OF 21, 22 AND 23 =</b>		\$ 0.00		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	No. of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100	/ 50 =		X \$250	\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	[***] - 20 =	*****	X \$50.00	\$ 0.00
Independent claims	[**]- 3 =	*****	X \$200.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00
		<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½		-	\$ 0.00	
		<b>SUBTOTAL =</b>	\$ 0.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 months <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+	\$ 0.00	
		<b>TOTAL NATIONAL FEE =</b>	\$ 0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property		+	\$ 0.00	
		<b>TOTAL FEES ENCLOSED =</b>	\$ 0.00	
		Amount to be refunded:	\$	
		charged:	\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.				
b. <input type="checkbox"/> Please charge my Deposit Account No.14-0629 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0629. A duplicate copy of this sheet is enclosed.				
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.				
e. <input checked="" type="checkbox"/> Pursuant to 37 C.F.R. §1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.				
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.</b>				
SEND ALL TO THE ADDRESS ASSOCIATED WITH: Customer No. 23859		 SIGNATURE Sumner C. Rosenberg NAME 28,753 REGISTRATION NUMBER		